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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,678	07/02/2003	Takashi Masui	K06-159566M/TBS	5345
21254	7590	01/06/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			TRAN, LEN	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/611,678	MASUI ET AL.	
	Examiner	Art Unit	
	Len Tran	1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 27 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10-15, 19-23, 25-26 is/are rejected.
- 7) ☒ Claim(s) 6, 8-9, 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5, 7, 10-15, 19-23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheurecker (US 4,007,822), and further in view of JP 10-2910590 (IDS submitted on 7/02/03).

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As to claim 1, 4, 5, 7, 10-12, 15, 19, 25 and 26 Scheurecker discloses a roll apparatus provided at a continuous caster for transferring a cast piece to a predetermined location comprising at least three divided rollers (figure 1).

Scheurecker fails to disclose wherein at least one end portion of at least of the divided rolls is supported by a cylindrical roller bearing and the divided rolls is supported by an independent cylindrical roll bearing, wherein the cylindrical roll bearing comprising an outer ring member having a cylindrical outer diameter surface.

However, JP '059 discloses a long and short roller (16) arranged in a roll supporting device, supported with an independent cylindrical roller bearings (10) on each roller (figure 1), wherein the cylindrical roller bearing comprise of the inner and outer rings, for the purpose of supporting load to the axial direction and prevent flaking (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the cylindrical roller bearings as taught by JP '059 with Scheurecker's rollers, in order to support loading in the axial direction and also prevent development of flaking.

As to claim 2, 13, 14, and 20-23, the roll includes an upper and lower forming roll, each including at least three pieces of divided rolls having different length in the axial direction (figure 1). The upper roll and lower roll are opposed to each other in a thickness direction of the cast piece (figure 1). In addition, the arrangement in the upper roll and arrangement in the lower roll are made different from each other (figure 1). As shown in figure 1, the rolls are arranged differently from each other, having short rollers to large rollers on top (from right side to left)

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and large rollers to short rollers on bottom (right to left) for the purpose of compensating the offset of the rollers, otherwise there will be a bulge of metal between each adjacent rollers.

As to claim 3, pluralities of rollers are arranged in a direction of transferring the cast piece (figure 1).

Allowable Subject Matter

4. Claim 6, 8-9, 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior arts of record fail to teach wherein the cylindrical roller bearing includes an outer ring member with a flange supported by a roll supporting apparatus, an inner ring member arranged on an inner side of the outer ring member in a diameter direction thereof concentrically therewith and externally fitted to an end portion of the divided roll, and a plurality of pieces of cylindrical rollers rollably arranged between the outer ring member and the inner ring member.

5. Claims 24 and 27 are allowed.

Response to Arguments

6. Applicant's arguments filed 10/22/04 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Scheurecker fails to disclose wherein at least one end portion of at least of the divided rolls is supported by a cylindrical roller bearing and the divided rolls is supported by an independent cylindrical roll bearing, wherein the cylindrical roll bearing comprising an outer ring member having a cylindrical outer diameter surface. However, JP '059 discloses a long and short roller (16) arranged in a roll supporting device, supported with an independent cylindrical roller bearings (10) on each roller (figure 1), wherein the cylindrical roller bearing comprise of the inner and outer rings, for the purpose of supporting load to the axial direction and prevent flaking (abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the cylindrical roller bearings as taught by JP '059 with Scheurecker's rollers, in order to support loading in the axial direction and also prevent development of flaking.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (571) 272-1184. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Len Tran
Examiner
Art Unit 1725

LT
January 4, 2005

KILEY S. STONER
PRIMARY EXAMINER

Kiley Stoner 1/5/05